THE HON'BLE SRI BILAL NAZKI, ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1477 OF 2005

AND

WRIT PETITION NO.9971 OF 2005

WRIT APPEAL NO.1477 OF 2005

Date: 29-08-2005

Between:

Noorunnissa Begum …Appellant/3rd Party

And

Syed Yadullah and others …Respondents

WRIT PETITION NO.9971 OF 2005

Between:

Syed Yadullah …Petitioner

And

Municipal Corporation of Hyderabad

And another …Respondents

THE HON'BLE SRI BILAL NAZKI, ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1477 OF 2005

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J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

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Heard learned counsel for the parties.

The learned Single Judge in WPMP No.12949 of 2005 in W.P.No.9971 of 2005 passed the following order.

> *"Interim direction to dispose of the representation dated 19-03-2005 within eight weeks in accordance with law."*

The writ petitioner had a grievance that the appellant before this Court had made some constructions without obtaining permission from the Municipality concerned and had also encroached the road, therefore, he made a representation to the Municipal Corporation of Hyderabad and since the Municipal Corporation was not making any efforts in the matter, therefore, he filed the writ petition.

The grievance of the writ appellant is that the order passed by the learned Single Judge on 6th June, 2005 in WPMP No.12949 of 2005 in W.P.No.9971 of 2005 is being taken as an order of demolition by the Municipal Corporation of Hyderabad.

By no stretch of imagination, the order of the learned Single Judge can be interpreted in that way. The Municipal Corporation has its own powers to take action against those who violates the Municipal laws. Therefore, we dispose of this writ appeal and also the writ petition with the consent of learned counsel for the parties, permitting the Municipal Corporation of Hyderabad to take any action against the writ appellant permissible under law in case of violation of any of the Municipal Rules. The decision shall be taken by the Municipality uninfluenced by the order passed by the learned Single Judge or by this Court in this appeal. It is stated that show cause notice has already been given to the writ appellant on 25-07-2005. She may file her objections to the show cause notice within two weeks from today. For two weeks from today, status quo obtaining as on today be maintained by the parties.

The writ appeal and the writ petition are accordingly disposed of. No order as to

costs.

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(Bilal Nazki, ACJ)

29th August, 2005

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(R.Subhash Reddy,J)

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